

The Federal Research Public Access Act of 2006 (Cornyn-Lieberman)

Background: Every year, the federal government funds tens of billions of dollars in basic and applied research. Most of this funding is concentrated within 11 departments/agencies (e.g., National Institutes of Health (NIH), National Science Foundation (NSF), Department of Energy). The research results typically are reported in articles published in a wide variety of academic journals. From NIH funding alone, it is estimated that about 65,000 papers are published each year.

Because U.S. taxpayers underwrite this research, they have a right to expect that its dissemination and use will be maximized, and that they themselves will have access to it. The federal government funds research with the expectation that new ideas and discoveries resulting from the research will propel science, stimulate the economy, and improve the lives and welfare of Americans. The Internet makes it possible to advance these goals by providing public access to federally funded research. The Internet has revolutionized information sharing and has made it possible to make the latest advances promptly available to every scientist, physician, educator, and citizen at their homes, schools, or libraries.

What this legislation will do:

Every federal agency with an annual extramural research budget of \$100 million or more will implement a public access policy that is consistent with and advances the federal purpose of the respective agency. Each agency must:

- Require each researcher – funded totally or partially by the agency – to submit an electronic copy of the final manuscript that has been accepted for publication in a peer-reviewed journal.
- Ensure that the manuscript is preserved in a stable digital repository maintained by that agency or in another suitable repository that permits free public access, interoperability, and long-term preservation.
- Require that free, online access to each taxpayer-funded manuscript be available as soon as possible, and no later than six months after the article has been published in a peer-reviewed journal.

To whom this policy applies:

- Any researcher *employed* by a federal agency with an annual research budget exceeding \$100 million who publishes an article based on the work done for the funding agency in a peer-reviewed journal.
- Any researcher *funded* by a federal agency with an annual research budget exceeding \$100 million who publishes an article based on the funded research in a peer-reviewed journal.

What is not covered by this legislation:

- The public access policy *does not apply* to laboratory notes, preliminary data analyses, author notes, phone logs, or other information used to produce the final manuscript.
- The policy *does not apply* to classified research, research that results in works that generate revenue or royalties for the author (such as books), or patentable discoveries to the extent necessary to protect copyright or a patent.